

FILED

DEC 22 1997

AT 8:30

WILLIAM T. WALSH
CLERK

10/25/97
1:50 PM

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Attorneys for Plaintiff Walsh Securities, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC.,

Plaintiff,

v.

CRISTO PROPERTY MANAGEMENT,
LTD., A/K/A G.J.L. LIMITED, DEK
HOMES OF NEW JERSEY, INC.,
OAKWOOD PROPERTIES INC.,
NATIONAL HOME FUNDING, INC.,
CAPITAL ASSETS PROPERTY
MANAGEMENT & INVESTMENT CO.,
INC., CAPITAL ASSETS PROPERTY
MANAGEMENT, L.L.C., WILLIAM J.
KANE, GARY GRIESER, ROBERT
SKOWRENSKI, II, RICHARD CALANNI,
RICHARD DIBENEDETTO, JAMES R.
BROWN, THOMAS BRODO, ROLAND J.
PIERSON, STANLEY YACKER, ESQ.,
MICHAEL ALFIERI, ESQ., RICHARD
PEPSNY, ESQ., ANTHONY M.
CICALESE, ESQ., LAWRENCE M.
CUZZI, ANTHONY D'APOLITO, DAP
CONSULTING, INC., COMMONWEALTH
LAND TITLE INSURANCE COMPANY,
NATIONS TITLE INSURANCE OF NEW
YORK INC., FIDELITY NATIONAL
TITLE INSURANCE COMPANY OF NEW
YORK, and COASTAL TITLE AGENCY,

Defendants.

Civil Action No. CV 97-3496 (WGB)

Hon. William G. Bassler

**ANSWER AND AFFIRMATIVE
DEFENSES OF WALSH SECURITIES,
INC. TO COUNTERCLAIM OF
DEFENDANTS NATIONAL HOME
FUNDING, INC. AND ROBERT
SKOWRENSKI, II**

ANSWER TO DEFENDANTS' COUNTERCLAIM

Plaintiff, Walsh Securities, Inc. ("Walsh"), having its principal place of business at 4 Campus Drive, Parsippany, New Jersey, by way of answer to the Counterclaim of Defendants National Home Funding, Inc. ("NHF") and Robert Skowrenski, II, ("Skowrenski") says:

1. Walsh denies the allegations contained in the Answer of NHF and Skowrenski as to Walsh. After reasonable investigation, Walsh does not have knowledge of the allegations pertaining to the remaining defendants, and leaves the defendants NHF and Skowrenski to their proofs.

2. Walsh admits that NHF was a mortgage broker but does not have knowledge of NHF's internal employment practices and leave the defendant and Skowrenski to their proofs.

3. Denied as to Walsh. After reasonable investigation, Walsh does not have knowledge of the intentions of defendants Kane and Greiser and leaves defendants NHF and Skowrenski to their proofs.

4. Denied.

5. Denied.

6. Denied.

7. Denied as to Walsh. Walsh has no knowledge of the practices of defendants NHF and Skowrenski and leaves the defendants to their proofs.

8. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Each and every Count of Defendants' Counterclaim fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Insofar as Defendants purport to state claims for misrepresentation and fraud, the allegations in Defendants' Counterclaim lack the particularity required by Fed. R. Civ. P. 9(b).

THIRD AFFIRMATIVE DEFENSE

Defendants' Counterclaim is barred, in whole or in part, by the applicable statute of limitations.

FOURTH AFFIRMATIVE DEFENSE

Defendants' Counterclaim is barred, in whole or in part, by the equitable doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

Defendants' Counterclaim is barred, in whole or in part, by the equitable doctrine of waiver.

SIXTH AFFIRMATIVE DEFENSE

Defendants' Counterclaim is barred, in whole or in part, by the equitable doctrine of estoppel.

SEVENTH AFFIRMATIVE DEFENSE

Defendants' Counterclaim is barred, in whole or in part, by the equitable doctrine of unclean hands.

EIGHTH AFFIRMATIVE DEFENSE

Defendants have no authority or standing to bring this suit.

NINTH AFFIRMATIVE DEFENSE

To the extent that Defendants have sustained any injuries, such injuries, if any, were caused, in whole or in part, by the acts or omissions of others for whose conduct Walsh is not responsible.

TENTH AFFIRMATIVE DEFENSE

Walsh had no knowledge of, and was not a culpable participant in, any violations of any laws.

ELEVENTH AFFIRMATIVE DEFENSE

Walsh acted in good faith and did not directly or indirectly induce the act or acts complained of by the Defendants.

TWELFTH AFFIRMATIVE DEFENSE

Walsh violated no legal duty owed to Defendants.

THIRTEENTH AFFIRMATIVE DEFENSE

Walsh's conduct is not the cause of any injury or damages allegedly suffered by Defendants.

FOURTEENTH AFFIRMATIVE DEFENSE

Defendants were contributorily negligent, and such negligence was the proximate, efficient, and contributing cause of their damages.

FIFTEENTH AFFIRMATIVE DEFENSE

Walsh hereby gives notice that it intends to rely upon any other defense that may become available or appear during the discovery proceedings in this case and hereby reserves its right to amend its answer to assert other related defenses as may become available.

WHEREFORE, Plaintiff Walsh Securities, Inc. seeks judgment dismissing the counterclaim of defendants National Home Funding, Inc. and Robert Skowrenski, II, against Walsh and for interest, costs, attorney fees and other relief this Court deems to be just and equitable.

Dated: December 19, 1997

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By: 
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DISTRICT OF NEW JERSEY

WALSH SECURITIES, INC.,

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Civil Action No. CV 97-3496 (WGB)

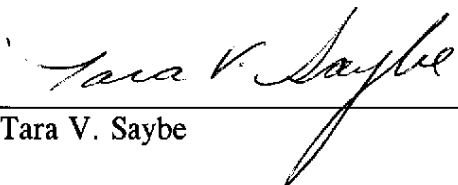
Hon. William G. Bassler

CERTIFICATE OF SERVICE

I, TARA V. SAYBE, of full age, certify and state as follows:

1. I am employed as a paralegal by the law firm of Latham & Watkins, attorneys for the Plaintiff in the above-referenced action.
2. I hereby certify that on this date, I caused an original and two (2) copies of Plaintiff Walsh Securities, Inc.'s Answers and Affirmative Defenses to Counterclaims of Defendants National Home Funding, Inc. and Robert Skowrenski, II and Defendant Richard Calanni to be filed with the Clerk of the United States District Court, District of New Jersey, Dr. M.L. King, Jr. Federal Building and Courthouse, 50 Walnut Street, Newark, New Jersey by hand delivery.
3. I further certify that on this date, I caused one copy of the within papers to be served via U.S. mail upon All Parties on the attached list.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Tara V. Saybe

Dated: December 22, 1997

Walsh Securities, Inc. v. Cristo Property Management
Civil Action No. 97-3496 (WGB)
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